

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendment and following discussion, is respectfully requested.

Claims 1, 3-6, and 8-10 are pending, Claims 1 and 6 having been amended, and Claims 11-19 having been previously canceled without prejudice or disclaimer. Support for the amendment to Claims 1 and 6 is found in original Claims 2 and 7. Accordingly, no new matter is added and no new search is required.

In the outstanding Office Action, Claims 1 and 10 were rejected under 35 U.S.C. §112, first paragraph, and Claims 1-10 were rejected under 35 U.S.C. §103(a) as unpatentable over Hashimoto (U.S. Patent No. 6,335, 909) in view of Applicant's Admitted Art.

With respect to the rejection under 35 U.S.C. §112, first paragraph, the language "continuously" and "during a playback mode" is removed. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. §112, first paragraph is overcome.

In a non-limiting embodiment of the claimed invention, an apparatus is provided which balances the focus error signal and tracking error signal to make defocus adjustments and detrack adjustments.¹ If just-focus is not achieved even after controlling the focus balance, the data processing section 10 supplies a bias control signal to the focus bias voltage adjustment section. This causes the focus bias voltage adjustment section to supply a focus bias voltage to a focus servo 12. The focus servo 12, supplied with the focus bias voltage from the focus bias voltage adjustment section, drives the two-axis actuator of the optical pickup 4 so as to make fine adjustments for the just-focus.²

¹ Specification, page 1.

² Specification, page 15.

With respect to the rejection of Claim 2, the subject matter of which is now included in Claim 1, Applicant respectfully traverses the outstanding ground of rejection. Amended Claim 1 recites, *inter alia*,

focus bias voltage supply means for supplying the drive control means with a focus bias voltage; and

focus bias control means for causing the focus bias voltage supply means to supply the drive control means with the focus bias voltage, thereby to cause the drive control means to control a focus bias.

Hashimoto does not describe or suggest at least these elements of amended Claim 1.

The outstanding Office Action appears to take the position that Hasimoto's focusing servo circuit 3, tracking servo circuit 5, and servo control section 6 equate to the above-noted elements. Hashimoto does not disclose or suggest that focusing servo circuit 3, tracking servo circuit 5, and servo control section 6 supplies the drive control means with the focus bias voltage, *thereby to cause the drive control means to control a focus bias*.

On the contrary, Hashimoto merely describes a coarse adjustment to just focus by varying the variable resistors. Hashimoto does not describe or suggest making fine adjustments to just focus by using the drive control means to control a focus bias.

In addition, Applicant's Admitted Art does not cure the deficiency of Hashimoto.

In view of the above-noted distinction, Applicant respectfully submits that Claim 1 (and Claims 3-5) patentably distinguish over the combination of Hashimoto and Applicant's Admitted Art. In addition, Claim 6 is amended to recite elements similar to those of Claim 1. Thus, Applicant respectfully submits that Claim 6 (and Claims 8-10) patentably distinguish over the combination of Hashimoto and Applicant's Admitted Art for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

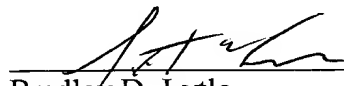
Respectfully submitted,

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